

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CIVIL NO. 2:01CV19

UNITED STATES <i>ex rel.</i>, KAREN)	
T. WILSON,)	
)	
Plaintiffs,)	
)	
Vs.)	
)	
GRAHAM COUNTY SOIL & WATER)	
CONSERVATION DISTRICT;)	
GRAHAM COUNTY; CHEROKEE)	
COUNTY SOIL & WATER)	
CONSERVATION DISTRICT;)	
RICHARD GREENE; WILLIAM)	
TIMPSON; KEITH ORR; RAYMOND)	
WILLIAMS; DALE WIGGINS;)	
GERALD PHILLIPS; ALLEN DEHART;)	
LLOYD MILLSAPS; JERRY)	
WILLIAMS; BILLY BROWN; LYNN)	
CODY; BILL TIPTON; C. B. NEWTON;)	
and EDDIE WOOD,)	
)	
Defendants.)	
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ORDER

THIS MATTER is before the Court on motion of the Defendants Cherokee County Soil and Water Conservation District, Bill Tipton, C. B. Newton, and Eddie Wood to dismiss, filed September 7, 2004.

This case has been stayed pending a decision by the U. S. Supreme Court regarding the statute of limitations question. *See, Graham County Soil & Water Conservation Dist. v. United States ex rel. Wilson*, 125 S. Ct. 823 (2005); Order, filed February 16, 2005. It appears to the Court that the issues presented in the Defendants' motion to dismiss could be mooted by the

Supreme Court's decision. Therefore, the Court will deny the motion to dismiss without prejudice to renewal, if appropriate, after the Supreme Court issues a decision in this matter.

IT IS, THEREFORE, ORDERED that the Defendants' motion to dismiss is hereby **DENIED** without prejudice.

Signed: June 9, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

